

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,)

Plaintiff,)

Case No. 3:25-CR-00140

vs.)

**DEFENDANT’S MOTION FOR
RELEASE FROM CUSTODY**

Charles Dalzell,)

Defendant)

COMES NOW, the Defendant, Charles Dalzell, by and through his attorney, Jeremy J. Curran, and hereby moves the Court to release him from custody pending resolution of this matter.

Defendant has remained in custody since this case was commenced in June, 2025, and has remained in continuous custody for approximately six (6) months at this time. During that time, Defendant has completed an evaluation to determine his fitness proceed in this action, with a finding that he is competent to proceed and assist in his own defense. He is currently being held in the Cass County Jail in Fargo, North Dakota.

There are compelling reasons, at this time, to revisit Defendant’s custodial status. First, Defendant has now retained private counsel in this matter. As a result, Defendant is less likely to flee and poses less of a flight risk at this time given that he has spent his own funds on his defense. Defendant is not wealthy and has limited resources, so the fact that he is willing to use a significant portion of what little he has to retain counsel would tend to indicate a willingness to participate in the judicial process in this case and not flee these charges.

Additionally, Defendant's mother is elderly and in poor health. She has had medical procedures since Defendant's incarceration in this matter and it is Defendant's understanding that she will have further medical procedures in the future. Defendant is very concerned about his mother's health and wishes to be released to assist her in her daily tasks, to spend time with her, and to assist her in attending medical appointments in the future.

Related to this, Defendant, if he is released, would intend to reside with his mother in Baudette, Minnesota. Defendant's mother needs help with daily tasks and chores around the house and Defendant would be expected to remain at the home, assist in daily maintenance and other tasks that need to be done, and to assist his mother with anything else she may need help with given her age and health issues.

Defendant is willing to take any steps the Court may deem necessary to allow for his release at this time. First, Defendant would suggest that as a condition of release he be required to wear a GPS monitor so that his pretrial supervision agent can constantly be aware of his location. Defendant would be willing to remain in some nature of home confinement as well if the Court deems it to be appropriate. He has no objection to having no contact with the alleged victims in this case in any form, including electronic, in-person, or through third parties, and that he be prohibited from entering into their place of employment.

Defendant recognizes that he does have a criminal history, however, that history generally includes misdemeanor and infraction level offenses. He does have one (1) pending matter in Burleigh County, North Dakota, that is currently in warrant status and Counsel will discuss addressing that case with Defendant moving forward. Notably, Defendant's history does not include any bail jumping or similar failure to appear type offenses. Defendant has no intention of running from these charges and has retained counsel in an effort to address this case.

Defendant is aware that part of the concern, in past requests to be released from custody, is that around the time of the alleged incidents that resulted in these charges there was concern he attempted to retrieve a firearm from a law enforcement agency in North Dakota. Defendant asserts that he was attempting to have a firearm that belonged to his cousin returned, not to himself, but to his cousin. Defendant was not seeking to have a firearm returned to him or that he be given possession of it, he was attempting to assist a family member in having it returned to them. The timing is unfortunate, however, his request and efforts were not nefarious or tied to any plan to inflict harm upon another person. Counsel is attempting to verify this at this time and will supplement this filing with any information that may be helpful to the Court as soon as possible. Further, Defendant has no objection to a condition of his release being that he not use, possess, or purchase any firearms, explosives, or other dangerous weapons.

Finally, permitting Defendant to be released would ensure his ability to aid in his own defense, be given a fair opportunity to review his discovery, and meet and confer with Counsel to ensure that he is aware of the evidence against him and assist in attempting to defend himself. As the Court is aware, this is significantly more difficult for any defendant while they are in custody and allowing his release will ensure Defendant's ability to fully participate and assist his attorney in defending him.

In closing, Defendant respectfully requests that the Court permit him to be released pending resolution of this matter at this time. Defendant has been in custody for over six (6) months at this time, has submitted to evaluations to determine his fitness to proceed, and that there are conditions which can be put in place to ensure Defendant appears for court, such as requiring that he wear a GPS monitor, and ensure the safety of the alleged victims and the public in general, such as no-contact provisions and a prohibition against Defendant using or possessing firearms or dangerous

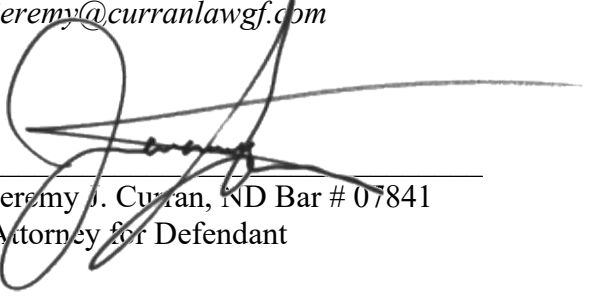
weapons. Defendant is not seeking to be released to run from these charges, he is asking for the Court to consider his release so that he can assist and spend time with an elderly parent who needs his assistance and to ensure that he is able to fully participate in his defense.

Dated this 29 day of December, 2025.

Curran Law Firm, PLLC

106 N 3rd Street, Suite 60
Grand Forks, ND 58203
(701) 746-9175

jeremy@curranlawgf.com



Jeremy J. Curran, ND Bar # 07841
Attorney for Defendant